

REMARKS

Claims 2 to 12, 15, 32, 35 to 38 were examined of which claims 15, 35 and 36 are cancelled herewith. Claims 6 and 32 are in independent form. Claims 16 to 25, 30 to 31 and 33 to 34 are withdrawn from consideration.

Allowable subject matter

Applicants would like to thank the Office for finding claims 2 to 12, 37 and 38 allowable.

Rejected claims

Claims 15, 32 and 35 to 36 remain the only rejected claims. Claims 15, 35 and 36 have been cancelled. Claim 32 has been amended to include the immunoassay format of claim 6.

New rejections: 35 USC 112, second paragraph rejections

On page 3, the Office rejected claims 9 and 11 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claim 9, line 11 was rejected for lacking antecedent basis for the term "in case of malignant hypertension" in claim 6.

In response, applicants have deleted this term.

Claim 11, was rejected for omitting a cooperative correlation due to the presence of step i) which was said to be confusing in view of step a) in claim 6.

In response, applicants have deleted the phrase following i) in claim 11.

35 USC 112, first paragraph rejection

On page 4, the Office rejected claim 15 under 35 U.S.C. 112, first paragraph.

For the sole purpose of furthering prosecution of this case, claim 15 was cancelled.

Art Rejections

Stating on page 6, the Office reiterated the rejection of claims 32, 35 and 36 under 35 U.S.C. 102(b) or (e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over either Wallukat et al (1995) or Ronspeck (e.g., WO 01/21660).

The Office noted that the claims do not require any particular immunoassay format and do not require the use of any particular reagent, except for one or more of the provided peptides. With regard to claim 32 the Office notes that the claim still contains the reference to "dilatative cardiomyopathy."

Claims 35 and 36 have been cancelled without prejudice.

Claim 32 has been amended to include the particular immunoassay format set forth in allowed claim 6.

In view of this, applicants submit that this claim should now also be allowable.

Withdrawn claims

In case the Office considers the claims under examination allowable in view of the amendments set forth herein, the Office is authorized to cancel the withdrawn claims by Examiner's amendment to allow a speedy issuance of a notice of allowance.

Information Disclosure Statement

Applicants would like to refer the Office to the argument regarding references DE19826442 ("A" reference in ISR) and WO2004067549 ("T" reference in ISR) set forth in applicants' response of September 11, 2009. Both of these references were cited in an English language International Search Report (ISR). Applicants respectfully requests consideration of these references in accordance with the provisions of MPEP 609.04(a)III.

In view of the above amendments and arguments, applicants believe that all claim rejections and objections have been fully addressed and an early notice of allowance is respectfully requested.

The Office is urged to call the undersigned at **(301) 657-1282** for any issues that might remain.

No fee is believed to be due in addition to extra claim fees and the extension of time fee paid herewith. However, the Commissioner is authorized to charge or credit deposit account no. 50-3135 as required. Any petition that may be required for the consideration of this response is herewith respectfully requested.

Respectfully submitted,

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